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7 Attorney for Plaintiff and proposed attorney for Class of Injured Property Owners  
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9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF NEVADA  
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12 MICHAEL HARKEY  
13 Plaintiff and Proposed Lead Class  
14 Plaintiff for All Nevada Property  
15 Owners Similarly Situated,  
16 who were deprived of their  
17 right to petition the judiciary  
18 for redress of grievances by  
19 the use of fraudulent recorded  
20 documents by the MERS ENTERPRISE  
21 described herein,  
22 vs.  
23 US BANK, N.A., AS TRUSTEE FOR  
24 THE CSMC MORTGAGE-BACKED  
25 TRUST 2007-6, et al.  
26 Defendants.

Case No. 2:14-cv-00177-MMD-GWF

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RESPONSE TO ORDER TO SHOW CAUSE FOR FAILURE TO COMPLY  
WITH LOCAL RULE 7.1-1

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**NOW COMES** Mitchell Posin of the Law Offices of Mitchell Posin, Chtd., attorney for the Plaintiff, Michael Harkey, and respectfully responds to the Order to Show Cause entered by this Court on April 4, 2014 with profound apologies for the delay in my response. No disrespect of the Court's Local Rules or Orders was intended. The Plaintiff Harkey was traveling for business when the Order to Show Cause was entered and contact between this counsel and Plaintiff Harkey was temporarily postponed. This counsel should have immediately contacted this Court to request an extension of time to respond to the Order to Show Cause until he could confer with his client and counsel with more extensive federal civil practice background as to how to handle the Rule 7.1-1 compliance in light of the putative class action embedded in these proceedings.

I know that there is no excuse for not responding to the Order to Show Cause and begs this Court's forgiveness. I am willing to appear before this Court and accept an appropriate sanction for my failure to comply with Local Rule 7.1-1 and my failure to respond to the Order to Show Cause, but I beg this Court not to sanction Plaintiff Harkey or those he seeks to represent in the putative class action by the drastic remedy of dismissal because Plaintiff and his putative class have meritorious claims and those claims are of significant value to the administration of justice in this district and in the State of Nevada.

Plaintiff is an individual and none of the members of the putative class have yet been identified. In the event that members of the putative class have business interests required to be disclosed under Local Rule 7.1-1, the Certificate of Interest will be amended.

Defendants, most of whom have not yet appeared before this Court have not been harmed by my failure to comply with Local Rule 7.1-1 and counsel who had appeared has not claimed

1 harm or sought a remedy for my failure. The integrity of this Court has been offended but it has  
2 not been jeopardized because it was not until July 15, 2014 that it was put in a position of having  
3 to make a decision in these proceedings without having the required disclosure under Local Rule  
4 7.1-1. I am willing to submit to whatever sanction is just and appropriate for my failure but this  
5 Court should seek sanctions only from me and not extend its sanctions to the Plaintiff and the  
6 putative class he represents.

7 In the alternative, if this Court believes that the sanction of dismissal is warranted, the  
8 dismissal must be without prejudice, in order to protect the innocent Plaintiff, who knew nothing  
9 about my failure to comply with Local Rule 7.1-1 or the Order to Show Cause. Plaintiff must be  
10 entitled to commence this action anew, before the statute of limitations for federal and Nevada  
11 RICO actions may expire in October, 2014 as to some of the named defendants.

12 DATED this 20<sup>th</sup> day of July, 2014.

13 /s/  
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16 Mitchell Posin, Esq., attorney for Plaintiff

17 **DECLARATION UNDER PENALTY OF PERJURY**

18 Pursuant to 28 USC sec. 1746, Mitchell Posin declares, under penalty of perjury, that the  
19 facts set forth in the foregoing response to this Court's Order to Show Cause of April 4, 2014 are  
20 true and correct, to the best of his knowledge, information and belief.

21 /s/  
22

23 \_\_\_\_\_  
24 Mitchell Posin

25 **CERTIFICATE OF SERVICE**

26 I HEREBY CERTIFY that electronically served on the 20<sup>th</sup> day of July, 2014, the  
27 foregoing Response to Order to Show Cause was filed with the Court and served on all parties  
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and counsel as identified on the Court-generated Notice of Electronic Filing.

/s/

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Mitchell Posin